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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,834	08/31/2001	Anthony V. Ferreri	YOR920010435US1	2826
29154 7590 02/27/2007 FREDERICK W. GIBB, III GIBB INTELLECTUAL PROPERTY LAW FIRM, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/943,834

Applicant(s)

FERRERI ET AL.

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,11,13,14,16-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 8-9, 11, 13-14, 16-20, and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

The amendment filed 30-Nov-06 has been entered. Claims 1-2, 4-6, 8-9, 11, 13-14, 16-20, and 22-24 are pending for examination.

In light of the amendments made to the independent claims, this action has been made final.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 5, 6, 8, 9, 13, 17-19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Costanza.

As per claim 1, Yamada teaches determining production quantities of said devices planned to be manufactured (Yamada, see at least, col. 3, lines 8-14 and col. 4, lines 16-23 and lines 28-34); exploding each of said devices planned to be manufactured into first level components to generate required

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first level component values, wherein said first level components include assemblies (Yamada, see at least, col. 3, lines 12-45; FIG 5); exploding each of said assemblies into assembly components to generate required assembly component volumes for each assembly (Yamada, see at least, col. 3, lines 12-45; FIG 5); and wherein said devices share one or more of said components and said assemblies share one or more of said assembly components (Yamada, see at least, FIG. 5).

The examiner notes that Yamada is silent with respect to multiplying said first level component volumes for each device by a corresponding production quantity of said production quantities to determine a total volume of first level components required, wherein said total volume of first level components includes assembly volumes; multiplying said assembly component volumes for each assembly by a corresponding assembly volume of said assembly volumes to determine a total volume of assembly components required; and providing said total volume of assembly components required to assembly component manufactures.

However Costanza teaches multiplying component values for an object to determine a total volume of components required (Costanza, see at least, col. 21, lines 17-19; Equation 6); and providing said total volume of assembly components required to assembly component manufactures (Costanza, see at least, col.

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21, lines 25-28); performing a minimum profile technique that removes all ordering parameters (Costanza, see at least, col. 21, lines 17-19; Equation 6; The examiner notes that equation 6, is a min-profile process. It reviews quantity and BOM, which in turns allows for net quantity change to be clearly understood).

The examiner takes the position that it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Yamada to include multiplying component values for an object to determine a total volume of components required; providing said total volume of assembly components required to assembly component manufactures; and performing a minimum profile technique that removes all ordering parameters as taught by Costanza. One of ordinary skill in the art would have been motivated to combine the teachings in order to maintain accuracy of the components in order to build and replenish material in a timely manner (Costanza, see at least, col. 21, lines 36-56).

As per claim 5, the examiner notes that Yamada is silent with respect to wherein some of said components comprise critical components.

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However Costanza discloses wherein some of said components comprise critical components (Costanza, see at least, col. 21, lines 5-16).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Yamada to include wherein some of said components comprise critical components as taught by Costanza. The motivation to combine is the same as claim 1, above.

As per claim 6, the examiner notes that Yamada is silent with respect to wherein said critical components comprise components having a level of supply insufficient to meet demand and having no available substitute component.

However Costanza discloses wherein said critical components comprise components having a level of supply insufficient to meet demand and having no available substitute component (Costanza, see at least, col. 21, lines 5-16 and col. 21, lines 25-28).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Yamada to include wherein said critical components comprise components having a level of supply insufficient to meet demand and having

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no available substitute component as taught by Costanza. The motivation to combine is the same as claim 1, above.

As per claims 8, 13, 17-19, 23 and 24, the examiner notes the limitations found in these claims are substantially similar to that of claims found above and thus are rejected under similar grounds.

3. Claim 2, 14, and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada United States Patent 5,796,614 in view of Costanza United States Patent 6,594,535 as applied to claim 1 above, and further in view of Kawashima et al. (hereinafter Kawashima).

As per claim 2, the examiner notes combination of Yamada and Costanza are both silent with respect to wherein said process of determining a production quantity comprises forecasting sales volumes for each of said devices planned to be manufactured

However Kawashima discloses wherein said process of determining a production quantity comprises forecasting sales volumes (Kawashima see at least, col. 1, lines 43-61 and col. 2, lines 27-53).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the combination of Yamada and Costanza to include wherein said process of determining a production quantity comprises forecasting sales volumes as taught by Kawashima. One of ordinary skill in the art would have been motivated to combine the teachings in order to maintain adequate supply of goods when the demand of said goods changes frequently and avoid keeping excess supply when demand is low (Kawashima, see at least, col. 1, lines 26-32).

As per claim 9, 14, and 20, the examiner notes the limitations found in these claims are substantially similar to that of claim 2 and thus are rejected under similar grounds.

4. Claims 4, 11, 16, and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada United States Patent 5,796,614 in view of Costanza United States Patent 6,594,535 as applied to claim 1 above, and further in view of Horne United States Patent 7,058,587.

As per claim 4, the examiner notes combination of Yamada and Costanza are both silent with respect to further comprising identifying substitute components.

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However Horne discloses further comprising identifying substitute components (Horne, see at least, col. 11, lines 38-63).

It would have been obvious to one skilled in the art at the time the invention was made to modify the combination of Yamada and Costanza to include further comprising identifying substitute components as taught by Horne. One of ordinary skill in the art would have been motivated to combine the teachings in order to avoid rescheduling an order and so that orders can be finished within a scheduled lead time (Horne, see at least, col. 11, lines 38-41).

As per claim 11, 16, 22, the examiner notes the limitations found in these claims are substantially similar to that of claim 4 and thus are rejected under similar grounds.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 4-6, 8-9, 11, 13-14, 16-20, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh
Examiner

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ams
12-Feb-07


F. RYAN ZEENDER
PRIMARY EXAMINER

2/15/07